

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2945 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

G.S.R.T.C

Versus

S.T KARMACHARI MANDAL

Appearance:

MR HARDIK C RAWAL for Petitioner

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 01/10/1999

ORAL JUDGEMENT

Mr. Raval, the learned advocate is appearing for the petitioner corporation. Though served, none is present for the respondent workman. The facts of the present petition, in short, are that the respondent workman was working as a driver at Mehsana Depot of Mehsana Division. While working as such, on 16.5.1983, he was on route from Mehsana to Ahmedabad. Meanwhile,

his bus dashed near Kasturinagar with other ST Bus. Because of this clash, chargesheet was issued against the respondent workman and after completion of the departmental inquiry, the competent disciplinary authority has imposed punishment of stoppage of three annual increments of the respondent workman without cumulative effect. Said action of imposition of punishment was challenged before the Industrial Tribunal by filing the Reference No. 80 of 1987.

The tribunal considered the evidence on record and came to the conclusion that because of the first alleged misconduct committed by the respondent workman, punishment imposed by the petitioner corporation is required to be modified. The tribunal accordingly modified the said order by imposing the punishment of stoppage of one annual increment without cumulative effect and further directed to pay the difference of the amount because of the modification in punishment order.

Mr. Raval, the learned advocate appearing for the petitioner corporation has submitted before this court that the tribunal has committed gross error in modifying the impugned order of punishment passed by the authority. He has submitted that the tribunal ought not to have interfered with the punishment imposed by the authority.

I have considered the submissions of Mr. Raval. I have also gone through the papers. According to me, the tribunal has passed the impugned judgment and award after considering the past record of the respondent workman as a driver and this was the first incident in his past default card and according to the tribunal, this incident occurred because of the failure of break of the bus and, therefore there was no negligence on the part of the respondent workman. However, the tribunal considered that the respondent was negligent to some extent in discharge of his duties and, therefore, in view of these circumstances, the tribunal modified the impugned order of punishment by reducing the punishment of stoppage of three annual increments to that of one annual increment without future effect, by passing the impugned judgment and award. I am of the opinion that the tribunal is quite justified in doing so. The tribunal has given well reasoned order for passing such award. Mr. Raval has not been able to point out any infirmity in the impugned judgment and order of the tribunal. Therefore, this Court is not required to interfere with the impugned judgment and award passed by the tribunal. Accordingly, this petition is dismissed. Rule is discharged. Ad

interim relief granted earlier shall stand vacated.
There shall be no order as to costs.

1.10.1999. (H.K.Rathod,J.)

Vyas